

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2
3 **RESOLUTION NO. 2011 _____**

4
5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**
6 **WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT,**
7 **PURSUE ANY APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL**
8 **APPROPRIATE ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER,**
9 **SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST CREECH**
10 **CONSTRUCTION, INC., AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES,**
11 **IN OKEECHOBEE COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM,**
12 **REGARDING THE PROPERTY LOCATED AT SECTION 16, TOWNSHIP 37 SOUTH,**
13 **RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA (“PROPERTY”).**

14
15 **WHEREAS,** Sections 373.083(1) and 373.129, Florida Statutes, authorize the
16 South Florida Water Management District to bring suit;

17 **WHEREAS,** On April 27, 2004, the District issued Environmental Resource Permit
18 Number 47-00637-P (“Permit”), to Creech Construction, which authorized the construction
19 and operation of a surface water management system to serve a 4.3 acre development
20 known as Creech Homes.

21 **WHEREAS,** since the Permit was issued, Respondent has failed to construct the
22 surface water management system as permitted. Specifically, the detention system was
23 never constructed, the single family lots were not graded correctly, there are no swales in
24 between the single family homes, and the outfall structure is not functioning as designed.
25 Therefore, the construction completion certification that was submitted to the District on
26 behalf of the Respondent cannot be accepted. Additionally, the Permit must be converted
27 to the operation phase and transferred to an appropriate operating entity. To date, the
28 Respondent has not submitted the necessary documents to the District in order to create
29 the proposed operating entity. Additionally, several of the single family lot owners have
30 constructed fences and sheds within the area that was designated for water storage in the
31 Permit.

1 **WHEREAS**, at present, Respondent has not come into compliance with its Permit,
2 and has otherwise failed to adequately respond to and resolve the situation caused by its
3 actions, **now therefore**

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5 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
6 **WATER MANAGEMENT DISTRICT:**

7 **Section 1** The Governing Board of the South Florida Water Management District
8 hereby authorizes District Staff to file suit, pursue any appropriate damages or remedies,
9 and take all appropriate action, including the authority to settle the matter, subject to the
10 approval of the Executive Director, against Creech Construction, Inc., and any other
11 appropriate or necessary parties, in the Okeechobee County Circuit Court or the
12 appropriate forum, regarding the property located at Section 16, Township 37 South,
13 Range 35 East, Okeechobee, County, Florida.

14 **Section 2** This resolution shall take effect immediately upon adoption.

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16 **PASSED** and **ADOPTED** this ____ day of _____, 2011.

17
18 Approved as to form:

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

19
20 BY: _____

21 Office of Counsel

By: _____

22 Chairperson

23
24 ATTEST:

25
26 _____
27 District Clerk
28